

REMARKS

Claims 3 and 5-7 have been rejected under 35 USC 102(e) as anticipated by Dunn, and claim 4 has been rejected under 35 USC 103(a) as unpatentable over Dunn in view of Casey. The rejections are respectfully traversed.

The Examiner comments, in the section entitled *Response to Arguments*, that “Applicants argue the user is not involved in setting the profiles and the modification of the service profile is not performed. However, none of this limitation can be found in the claimed language.” Although the Examiner is correct in noting that this specific limitation is not found in the claims, Applicant’s arguments were intended to focus on a different limitation, which is hereby set forth in more detail below. Specifically, Applicant’s submit that the limitation of “implementing the negotiation of quality of service parameters before setup of a connection with a dedicated network element which differs from the communication server” is patentably distinct from the Dunn and Casey references.

In the claimed invention, the SCP is made aware of possible values for specific parameters when the new service provider is established. When this service is called, the negotiation of the parameters then only occurs between the user of the service and the SCP. The negotiated value is entered in the SETUP message to be forwarded. Thus, the service provider is already informed of the final value. This is covered in the claims by the recitation noted above, namely, that the negotiation of QoS of service parameters occurs before setup of a connection. In Dunn, on the other hand, the user has little or no control over the call transmission routing or type of service or bandwidth except through contact with the telephone company to change the user profile stored in the SCP (col. 3, lines 23-36). Dunn solves this problem by enabling the user to change his/her AIN profile directly and in real time (col. 3, lines 59-61). The user is able to accomplish this by use of a menu, for example, which is offered to the user on his/her personal computer (col. 4, lines 29 - 53). Specifically, the menus can be changed by the user as his/her voice and data needs change. Hence, the client server interface 44 enables a user to select and direct the

incoming/outgoing traffic and routes voice or data to the network 20 via switch 12 or to the data network 24 via the server 32.

Casey is cited by the Examiner (with respect to claim 4) as disclosing selection of a preferred service provider. In any event, Casey fails to disclose implementing the negotiation of quality of service parameters before setup of a connection with a dedicated network element which differs from the communication server. Since claim 4 depends from claim 6, claim 4 is patentable for at least the same reasons.

New claim 8 has been added. Claim 8 recites that the network selects the service provider. This limitation has been considered by the Examiner (see, *Response to Arguments*), and therefore does not present new issues requiring further search and/or consideration.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.

449122017400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

Kevin R. Spivak

Registration No.: 43,148

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7762 - Telephone

(703) 760-7777- Facsimile